

IV. REMARKS

A typographical error has been corrected in the description.

Claims 5-23 are directed to statutory subject matter.

Claim 19 has been amended to clarify that it is a method by positively reciting the steps in the claim. Further, the gateway is now also recited in the main body of the claim as is the effect of the isolating identifier, i.e., "...so that the user's privacy is preserved."

It is noted that where the applicant has asserted that the claimed invention is useful for any particular practical purpose (here preserving the user's privacy), no lack of utility rejection should be made (see MPEP 2107, II, B (2)). It is also noted that while claims directed to "A signal with embedded supplemental data..." are not allowable, claims directed to "A method for embedding supplemental data in a signal..." are allowable; see In re Nijten 84 USPQ2d, 1495, 1498. Further, in the very same telephony art as the presently claimed invention, claims to a method of adding a PIC indicator were held allowable, see AT&T Corp. v. Excel Communications Inc., 50 USPQ2d, 1447, 1452.

Therefore, the claims do not merely recite a data structure and the claimed invention need not be recited as embodied in a computer readable medium as requested by the Examiner. Further, similar claims have been allowed by the CAFC.

For all of the above reasons, the rejection of claims 5-23 under 35 USC 101 should be withdrawn.

Claims 5-7 and 19 are not unpatentable under 35 USC 103 (a) over Asokan in view of what was obvious to a person of ordinary skill in the art.

The claimed invention is concerned with the problem of preserving a user's privacy. It solves this problem by, as recited in claim 19, "...producing a first isolating identifier of a multimedia user that is compatible with identifiers of a telephony network, said

identifier having at least one first user identifier field, said producing including encrypting said first field by (the several recited formatting steps)...".

The Examiner has cited Asokan, Col. 8, lines 40-45, for this feature. However, while an interface identifier is disclosed therein, there is no disclosure of an isolating identifier. Indeed, since the only method disclosed therein for generating the identifier is deterministic, it is not an isolating identifier since the user can be easily identified. Further, there is no disclosure of a compatibility with identifiers of a telephony network or first user identifier field as recited in claim 19.

Claim 19 further recites, "...formatting the first identifier so that the first identifier comprises at least one nature digit for defining the nature of the first identifier...". Col. 7, lines 45-50, have been cited for this feature. However, absolutely nothing about a nature digit is disclosed therein.

Still further, claim 19 recites that, "...the first identifier comprises N identifier digits...one being a computer representation for representing/encoding a decimal or hexadecimal digit and comprising 4 bits...". The Examiner has cited Asokan, Col. 14, lines 10-15, for this limitation. However, there is absolutely nothing therein about a computer representation or a decimal or hexadecimal digit or 4-bits.

Claim 19 also recites, "...formatting the first identifier so that the first identifier comprises M variability digits depending on said nature digit...". The Examiner cites nothing for these limitations and indeed, there is no disclosure of this claimed feature in Asokan.

Claim 19 ends with, "...the M variability digits depends on the nature digit so that a user's privacy is preserved.". The Examiner cites Col. 8, lines 50-65, and Col. 9, lines 10-35, of Asokan for this feature. It is noted that Col. 9 discloses nothing about privacy. While Col. 8 does mention privacy, the "protection" in Asokan is no protection at all, as explained below.

Asokan attempts to protect the privacy of the user by combining an IP address with a PDP context and PDP address (Col. 8, lines 50-65). In Asokan, the disclosed method allows a certain protection of the subscriber address by implementing the GGSN as a proxy (address translation according to IPv4). However, in that case an actual IPv6 address is generated which makes, once computed, difficult (sometimes impossible) the tracing of a subscriber from one connection to another one. However, this never protects the subscriber from a **direct** access using the given address since this one is fully visible within Internet and stays identical as long as the subscriber keeps the same connection.

Such an address is co-generated by the subscriber (step 1) and the GGSN and stays common and identical when 2 or more different service providers are accessed during the same connection. This is typically the case today with the new mobile network generations as customers are always on. In that case, no "isolation" and no privacy at all for different uses contrary to what is taught and claimed in the present application.

According to the presently claimed invention, the isolating identifier makes it fully impossible to trace a subscriber. No routing back to the user is possible, while such a routing is possible when using an IPv6 address as in Asokan. This is true whatever the IPv6 address is and whatever the scheme, *e.g.*, randomly chosen interface identifiers, is used to build such an address. Hence, Asokan does not disclose the claimed limitation of preserving the user's privacy regardless of what is stated in the description therein.

In summary, the randomly chosen identifiers of Asokan are not the same as the presently claimed isolating identifiers since they do not totally preserve the user's privacy.

It is noted that Official Notice of what is obvious to one of ordinary skill in the art can only be taken of facts that are capable of "instant and unquestionable demonstration: (MPEP 2144.03 (A)), which is not the present case due to the highly complex

technology involved herein. Thus the Examiner is again asked to provide a reference for these asserted facts (MPEP 2144.03 (C)).

Since the above-discussed claim limitations are disclosed in neither Asokan, nor what is obvious to a person of ordinary skill in the art, combining them does not result in the claimed invention. Thus the above rejection should be withdrawn.

Thus the rejection of claim 5-7 and 19 should be withdrawn.

Claims 8-10 and 20-21 are not unpatentable under 35 USC 103 (a) over Asokan in view of what is obvious to a person of ordinary skill in the art.

For the reasons given above, the Examiner is asked to provide a reference for the encoding of a date. Further, since Asokan does not disclose the claimed invention, as explained above, combining it with whatever is obvious does not result in the claimed invention. Thus the rejection of claims 8-10 and 20-21 should be withdrawn.

Claims 11-14 and 17-18 are not unpatentable under 35 USC 103 (a) over Asokan in view of what was obvious to a person of ordinary skill in the art and further in view of Brainard.

Similarly, Brainard fails to disclose the above-discussed features. Thus even if it is combined with Asokan and whatever is obvious, the result is not the claimed invention. Hence, this rejection should be withdrawn.

Claims 15-16 are not unpatentable under 35 USC 103 (a) over Asokan in view of what was obvious to a person of ordinary skill in the art further in view of Ginzbourg.

Since Ginzbourg also does not disclose the above-discussed features, combining it with Asokan and whatever is obvious does not result in the claimed invention. Thus this rejection should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record,

and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$120 for a one-month extension of time, \$810 for the RCE fee, and for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Henry I. Steckler

Henry I. Steckler

Reg. No. 24,139

March 18, 2008

Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512